

Thereupon the jury retired, and after due deliberation returned a verdict finding the product not to have been adulterated.

On May 12, 1919, an order was entered for the release of the catsup to the claimant, in conformity with the verdict of the jury.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6919. Adulteration and misbranding of olives. U. S. * * * v. 1 Case
*** * * Supreme Quality Curtis California Ripe Olives. Default**
decree of condemnation, forfeiture, and destruction. (F. & D. No.
11664. I. S. No. 8542-r. S. No. C-1594.)

On November 21, 1919, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 case, containing 1 dozen glass containers, of Supreme Quality Curtis California Ripe Olives, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about February 18, 1919, by the Curtis Olive Corporation, Long Beach, Cal., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled as follows: (On case) "Supreme Curtis Quality California Ripe Olives packed by The Curtis Corporation, Long Beach, California (Los. Ang. Harbor). Curtis Quality California Ripe Olives, 12-26 oz. Glass Supreme Quality Mammoth Size Olives." (On glass containers) "Supreme Curtis Quality Curtis Olive Corporation, Los Angeles, U. S. A. California Ripe Olives, Net Weight of fruit 16 oz., Avd. Mammoth Size." (On metal cap) "GX 2602."

Examination of samples of the article by the Bureau of Chemistry of this department showed that guinea pigs fed from three of the bottles died, indicating the presence of toxin due to decomposition of the product by bacteria, later identified as *Bacillus botulinus* Type A.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the labels upon the case and glass containers of the article bore the statement that said article was "Supreme Quality," which said statement was false and misleading in that the food product consisted in whole or in part of a decomposed and putrid vegetable substance.

On December 17, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6920. Adulteration and misbranding of evaporated milk. U. S. * * * v.
1,000 Cases of * * * Evaporated Milk. Consent decree of con-
demnation and forfeiture. Product ordered released on bond.
(F. & D. No. 9276. I. S. Nos. 6125-r, 6126-r. S. No. C-965.)

On or about August 30, 1918, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases of evaporated milk, consigned by the Aviston Flour Co., New Orleans, La., remaining unsold in the original unbroken pack-